

NORTH COUNTY FIRE PROTECTION DISTRICT

RESOLUTION 2019-14



RESOLUTION OF THE BOARD OF DIRECTORS OF NORTH COUNTY FIRE PROTECTION DISTRICT, COUNTY OF SAN DIEGO, CALIFORNIA, CALLING A SPECIAL ELECTION AND SUBMITTING TO THE VOTERS OF THE NORTH COUNTY FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2019-02 (FIRE STATION CONSTRUCTION AND CAPITAL REPLACEMENT) A PROPOSITION WITH RESPECT TO THE ANNUAL LEVY OF SPECIAL TAXES WITHIN THE COMMUNITY FACILITIES DISTRICT TO PAY OR ACCUMULATE FUNDS FOR PAYING THE COSTS OF PUBLIC FACILITIES AND ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE COMMUNITY FACILITIES DISTRICT

WHEREAS, pursuant to Section 53325.1 of the California Government Code the Board of Directors (the “Board of Directors”) of the North County Fire Protection District (the “District”) has adopted Resolution No. 2019-10, establishing the North County Fire Protection District Community Facilities District No. 2019-02 (Fire Station Construction and Capital Replacement) (“CFD 2019-02”), and the boundaries thereof (the “Resolution of Formation”); and

WHEREAS, pursuant to Sections 53326 of the California Government Code, it is necessary that the Board of Directors submit to the voters of CFD 2019-02 the proposition relating to the annual levy of special taxes on the property within CFD 2019-02 to pay or accumulate funds for paying the costs of public facilities and incidental and administrative expenses as described in more detail in Attachment 1 to the Resolution of Formation; and

WHEREAS, pursuant to Section 53325.7 of the California Government Code, the Board of Directors may also submit to the voters of CFD 2019-02 a proposition with respect to establishing an appropriations limit for CFD 2019-02; and

WHEREAS, pursuant to Government Code section 53353.5, the propositions for the levy of the special tax, and setting the initial appropriations limit for CFD 2019-02, may be combined into a single proposition;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF NORTH COUNTY FIRE PROTECTION DISTRICT AS FOLLOWS:

Section 1. Findings. The Board of Directors finds that:

1.1. The foregoing recitals are true and correct; and

1.2. At least 12 persons have been registered to vote within the territory of CFD 2019-02 for each of the 90 days preceding the close of the public hearing on June 25, 2019;

1.3. Pursuant to Section 53326 of the California Government Code, as a result of the findings set forth in clause 1.2 above, the vote in the special election called by this Resolution shall be by the registered voters of CFD 2019-02 whose property would be subject to the special taxes if they were levied at the time of the election, and each registered voter shall have one vote.

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Section 2. Call of Election. The Board of Directors hereby calls and schedules a special election for October 24, 2019, within and for CFD 2019-02 on the combined Proposition with respect to the levy of special taxes on the land within CFD 2019-02 to pay or accumulate funds for paying the costs of the design, construction and acquisition of public facilities and incidental and administrative expenses related thereto, and establishing an initial annual appropriations limit for CFD 2019-02 in the amount of \$20,000,000 (the "Proposition").

Section 3. Proposition. The Proposition to be submitted to the voters at such special election shall be as follows:

Proposition A: To avoid a significant reduction in the level of services presently being provided to residents throughout North San Diego County, shall the North County Fire Protection District be authorized to levy a special tax at a flat rate of \$5/month (\$60/year) per parcel of property owned, to be used for construction, capital improvements and deferred maintenance of fire stations, raising approximately \$1 million per year, with an initial appropriations limit of \$20 million, and independent annual audits and citizen oversight required?

Section 4. Conduct of Election; Concurrence of Elections Official.

4.1. Except as otherwise provided in Section 5 hereof, the special election shall be conducted by the Secretary of the Board of Directors, acting as elections official, in accordance with the provisions of the California Elections Code governing mail ballot elections of community services districts, and in particular, the provisions of Division 4 (commencing with Section 4000) of that Code, insofar as they may be applicable.

4.2. Pursuant to Government Code section 53326(a), copies of the Resolution of Formation, a certified map of sufficient scale and clarity to show the boundaries of CFD 2019-02, and a sufficient description of CFD 2019-02 to allow the elections official to determine the boundaries of CFD 2019-02, has been provided to the Secretary, in her capacity as elections official. The Secretary, in her capacity as elections official, has consented to holding the special election on October 24, 2019, which date is less than 125 days following the adoption of the Resolution of Formation.

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Section 5. Election Procedures.

5.1. The procedures to be followed by the Secretary in conducting the special election on the Proposition (the "Consolidated Special Election") shall be as follows:

- 5.1.1. Pursuant to Section 53326 of the California Government Code, ballots for the Consolidated Special Election shall be distributed to the qualified electors by the Secretary by mail with return postage prepaid or by personal service. The qualified electors shall be the registered voters described in Section 1.3 hereof.
- 5.1.2. Pursuant to applicable sections of the California Elections Code governing the conduct of mail ballot elections of community services districts and in particular Division 4 (commencing with Section 4000) of that Code with respect to elections conducted by mail, the Secretary shall mail or deliver to each qualified elector an official ballot in the form attached hereto as Exhibit "A," and shall also mail or deliver to all such qualified electors a ballot pamphlet and instructions to voter, including a sample ballot identical in form to the official ballot but identified as a sample ballot, a return identification envelope with prepaid postage thereon addressed to the Secretary for returning the voted official ballots, and a copy of the Resolution of Formation,
- 5.1.3. The information to voter form to be mailed or delivered by the Secretary to the voters shall inform them that the official ballots shall be returned to the Secretary properly voted as provided thereon, pursuant to the instructions set forth therein, by 5 o'clock p.m. on the date of the Consolidated Special Election; provided that the election shall be closed before such hour if the Secretary determines that all of the qualified voters have voted.
- 5.1.4. Upon receipt of the returned ballots, which are returned prior to the voting deadline on the date of the Consolidated Special Election, the Secretary shall canvass the votes cast in the Consolidated Special Election, and shall file a statement with the Board of Directors at its next regular meeting as to the results of such canvass and the election on the Proposition set forth in the official ballot.

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Section 6. Impartial Analysis; Arguments For and Against.

6.1. The Secretary shall transmit a copy of the Proposition to the San Diego County Counsel. The County Counsel shall prepare an impartial analysis of the Proposition showing the effect of the Proposition on the existing law and the operation of the Proposition. The analysis shall be printed preceding the arguments for and against the Proposition and shall not exceed 500 words in length.

6.2. Arguments may be submitted for or against the Proposition. Neither argument shall exceed 300 words in length, and both arguments shall be printed and mailed to each voter with the voter information guide for the election. When an argument in favor and an argument against the Proposition have been selected for publication in the voter information pamphlet, the Secretary shall send copies of the argument in favor of the Proposition to the authors of the argument against, and vice versa. The authors may prepare and submit rebuttal arguments not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

6.3. The Board of Directors hereby designates Director Van Doorn and Director Hoffman to submit an argument in support of the Proposition on behalf of the Board of Directors.

6.4. The Secretary shall fix and determine a reasonable date before the election for the submission to the Secretary of arguments and rebuttals, which shall allow for the time reasonably necessary to prepare and print the arguments and the voter information guides and to permit the 10-calendar-day public examination as provided in the Elections Code, commencing with Section 9380 therein.

APPROVED, SIGNED AND ADOPTED at a Special Meeting of the Board of Directors of the North County Fire Protection District held on this **25th day of July, 2019**, by the following vote:

AYES: Directors Harris, Luevano, Munson and Van Doorn

NOES: None

ABSENT: Director Hoffman

ABSTAIN: None

RECUSED: None



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Fred Luevano, Board President

I **HEREBY CERTIFY** that foregoing is a true and correct copy of the Resolution duly and regularly adopted by the Board of Directors of the North County Fire Protection District at the meeting thereof held on the **25th day of July, 2019** and that the same now appears on record in my office.

IN WITNESS THEREOF, I hereunto set my hand and affixed by official seal this this **25th day of July, 2019**.

A handwritten signature in blue ink that reads "Loren A. Stephen-Porter".

Loren A. Stephen-Porter, Board Secretary

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EXHIBIT "A"

OFFICIAL BALLOT

CONSOLIDATED SPECIAL ELECTION FOR
October 24, 2019

To vote, mark a cross (+) in the voting square after the word "YES" or after the word "NO". All marks otherwise made are forbidden.

If you wrongly mark, tear or deface this ballot, return it to the Secretary of the Board of Directors of NORTH COUNTY FIRE PROTECTION District and obtain another.

PROPOSITION A: To avoid a significant reduction in the level of services presently being provided to residents throughout North San Diego County, shall the North County Fire Protection District be authorized to levy a special tax at a flat rate of \$5/month (\$60/year) per parcel of property owned, to be used for construction, capital improvements and deferred maintenance of fire stations, raising approximately \$1 million per year, with an initial appropriations limit of \$20 million, and independent annual audits and citizen oversight required?

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

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6.1. The Secretary shall transmit a copy of the Proposition to the San Diego County Counsel. The County Counsel shall prepare an impartial analysis of the Proposition showing the effect of the Proposition on the existing law and the operation of the Proposition. The analysis shall be printed preceding the arguments for and against the Proposition and shall not exceed 500 words in length.

6.2. Arguments may be submitted for or against the Proposition. Neither argument shall exceed 300 words in length, and both arguments shall be printed and mailed to each voter with the voter information guide for the election. When an argument in favor and an argument against the Proposition have been selected for publication in the voter information pamphlet, the Secretary shall send copies of the argument in favor of the Proposition to the authors of the argument against, and vice versa. The authors may prepare and submit rebuttal arguments not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

6.3. The Board of Directors hereby designates _____ to submit an argument in support of the Proposition on behalf of the Board of Directors.

6.4. The Secretary shall fix and determine a reasonable date before the election for the submission to the Secretary of arguments and rebuttals, which shall allow for the time reasonably necessary to prepare and print the arguments and the voter information guides and to permit the 10-calendar-day public examination as provided in the Elections Code, commencing with Section 9380 therein.

APPROVED, SIGNED AND ADOPTED at a Special Meeting of the Board of Directors of the North County Fire Protection District held on this **25th day of July, 2019**, by the following vote:

AYES: Directors Harris, Luevano, Munson and Van Doorn

NOES: None

ABSENT: Director Hoffman

ABSTAIN: None

RECUSED: None

Official Seal

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A handwritten signature in black ink, appearing to read "Fred Luevano", written over a horizontal line.

Fred Luevano, Board President

I **HEREBY CERTIFY** that foregoing is a true and correct copy of the Resolution duly and regularly adopted by the Board of Directors of the North County Fire Protection District at the meeting thereof held on the **25th day of July, 2019** and that the same now appears on record in my office.

IN WITNESS THEREOF, I hereunto set my hand and affixed by official seal this this **25th day of July, 2019**.

A handwritten signature in blue ink, appearing to read "Loren A. Stephen-Porter", written over a horizontal line.

Loren A. Stephen-Porter, Board Secretary

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YES	
NO	